

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

\_\_\_\_\_/

This Order Relates To:

ALL CASES

\_\_\_\_\_/

**ORDER GRANTING PLAINTIFFS' MOTION REQUESTING  
REDACTION [2373]**

On March 1, 2023, Bellwether III Plaintiffs filed a motion to redact the full names (leaving only the initials) of certain individuals from the February 2, 2023 status conference transcript.<sup>1</sup> (ECF No. 2373.)

The individuals' names that Plaintiffs seek to redact fall into two categories. The first category is minor children. The second category is adults who were identified at the hearing in connection with records from Michigan Child Protective Services ("CPS") that Defendant VNA seeks in discovery.

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<sup>1</sup> Plaintiffs indicated that, in their Eastern District of Michigan Local Rule 7.1(a) conference with Defendants, Defendants indicated they take no position with respect to the requested relief.

Eastern District of Michigan Local Rule 5.3 governs civil material filed under seal or with redactions. “There is a strong presumption in favor of open judicial records.” *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016). A request for a seal must be “narrowly tailored . . . in accord with applicable law.” E.D. Mich. LR 5.3(b)(2).

The Court may grant a motion to seal or redact “only upon a finding of a compelling reason why certain documents or portions thereof should be sealed.” *Id.* at (b)(3)(B)(i). The Court must make its decision based on the following three factors: “why the interests in support of nondisclosure are compelling, why the interests supporting access are less so, and why the seal itself is no broader than necessary[.]” *Shane Grp.*, 925 F.3d at 306 (citing *Brown & Williamson*, 710 F.2d at 1176).

Plaintiff’s motion to redact names from the transcript is granted. Federal Rule of Civil Procedure 5.2(a) provides that any filing with the Court that contains the name of an individual known to be a minor “may include only . . . the minor’s initials.” *Id.* Accordingly, all references to the minor children’s names should be redacted and state only their initials.

There are also compelling reasons why only the adults' initials should appear in the transcript. The adults are parents and/or guardians of the minor children. There is a legitimate interest that these adults have in protecting their children from identification at this stage in the litigation. Reducing the adults' names to initials helps protect those children because the minor children could likely be identified by the names of their parents or guardians.

Second, the discussion on February 2, 2023 involving these adults related to their encounters with CPS. CPS investigates allegations of child abuse or neglect. (<https://www.michigan.gov/mdhhs/adult-child-serv/abuse-neglect/childrens/report-process/investigation-process-and-results/childrens-protective-services-investigation-process>) CPS records are considered confidential. (<https://www.michigan.gov/oco/continuing-education/access-to-cps-information>) Even the few individuals who have a legal right to access these records may only have access to redacted copies. (*Id.*) Moreover, just because CPS has conducted an investigation does not mean that it determined that the children were subjected to abuse or neglect. Accordingly, the very fact that CPS records associated with certain parents or guardians exist could be embarrassing or

humiliating. There is no interest to the public in these records; nor is there any public interest in the fact that such records may exist. This is particularly true at the discovery stage in the litigation. Accordingly, the Court finds that redacting the February 2, 2023 transcript to identify these adults only by their initials is a narrowly tailored method of protecting only the pertinent sensitive information.

Accordingly, Plaintiffs' request that the transcript be redacted to include only the initials of children and adults identified on pages 26:21; 27:2; 27:7; and 27:17-18 of the February 2, 2023 transcript is granted.

IT IS SO ORDERED.

Dated: March 6, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 6, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager